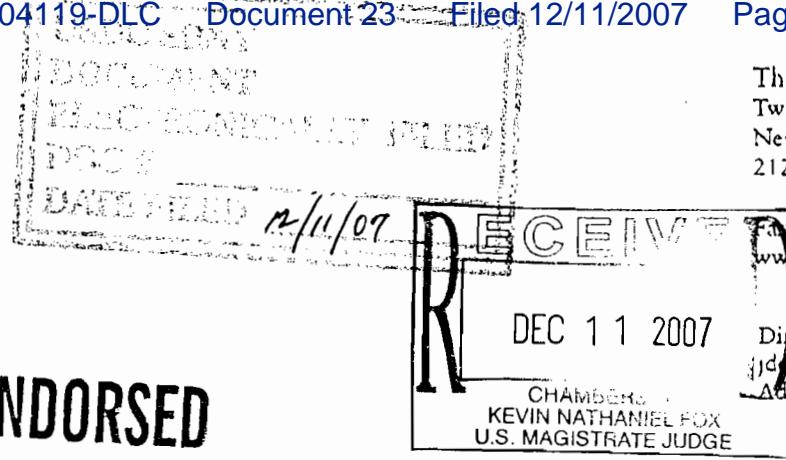


Thacher Proffitt

MEMO ENDORSED



December 11, 2007

VIA FACSIMILE

Hon. Kevin Nathaniel Fox
U.S. Magistrate Judge
United States District Court
Southern District of New York
40 Centre Street, Room 540
New York, NY 10007

Mediation: *DB Structured Products, Inc. v. Lender Ltd.*
Case Number: 07 CV 4119 (DLC) (KNF)
Mediation Date: December 11, 2007 at 2:30 p.m.

Dear Judge Fox,

We represent Plaintiff DB Structured Products, Inc. in the above-referenced matter and write, with the consent of all parties, to request an adjournment of today's mediation.

Presently, we are scheduled to attend a settlement conference before Your Honor this afternoon at 2:30 p.m. We communicated with counsel for both Defendant Lender Ltd. and Third-Party Defendant CML Direct, Inc. yesterday afternoon, and have confirmed that the parties to this matter are still in the process of exchanging documents and information necessary to the discussion of any options for settlement of this matter. In order to ensure that relevant documents and information have been received and reviewed by the parties prior to appearing before Your Honor, and so as to make the best use of Your Honor's time, we request an adjournment of this conference. We ask that this settlement conference be rescheduled for late January, in which case we will coordinate with your Chambers to obtain a specific date.

Please contact me if you have any questions.

12/11/07

*Application granted.
The parties shall confer and
thereafter, submit to the Court
three dates on which all parties
are available, in January, for a
settlement conference. The submission
must be received by the Court on or
before December 18, 2007.
(Clerk so ORDERED)*

New York, NY

Washington, DC

White Plains, NY

Summit, NJ

México City, México

Respectfully submitted,

John P. Doherty /by J.S.K.

John P. Doherty, Esq.

Hon. Kevin Nathaniel Fox
December 11, 2007

Page 2

cc (via facsimile):

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